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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,557

11/24/2003

John Lee Hammons

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04/18/2006

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

HAND, MELANIE JO

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,557

Applicant(s)

HAMMONS ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/27/06, 4/6/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed January 31, 2006, with respect to the rejection(s) of claim(s) 1-20 under 35 U.S.C. 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of previously presented prior art references and a newly found prior art reference.

Information Disclosure Statements

The information disclosure statements (IDS) submitted on February 27, 2006 and April 6, 2006 were each filed after the mailing date of the Application on November 24, 2003. The submissions are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 9, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Osborn, III et al (U.S. Patent No. 5,824,004).

With respect to **Claims 1,3-5**: Osborn teaches napkin 20 having a longitudinal axis characterized by longitudinal centerline L, longitudinal edges 22, a transverse axis characterized by transverse centerline T, and a thickness measured in a direction orthogonal to the plane

Art Unit: 3761

defined by the centerlines T, L. Napkin 20 has topsheet 38 which joined to backsheet 40 and absorbent core 42 disposed therebetween. Topsheet 38 is comprised of an apertured thermoplastic film. Foam piece 262 disposed between the absorbent core and topsheet 38 and bonded thereto contains longitudinally oriented ribs 272 that would form ribs in topsheet 38, thus creating a first region having apertures and a second region having ribs. (Col. 2, lines 46-48)

With respect to **Claim 2,9,14**: Osborn teaches a secondary topsheet in Fig. 6 in the form of a wicking layer 46. (Fig. 6) (Col. 9, lines 23-26)

With respect to **Claim 17**: As can be seen in Fig. 82, Osborn teaches that ribs 272 possess a length that is at least 1% of the entire length of the napkin.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6-8, 10-13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osborn, III et al (U.S. Patent No. 5,824,004).

With respect to **Claims 6,7,12,15**: As can be seen in Fig. 18, Osborn teaches a channel.

Osborn does not explicitly teach a thickness for said channel, however Examiner asserts that the thickness is at least 1% of the thickness of the napkin, as the channel is formed from at least one component of the napkin. While Osborn does not explicitly teach an embossed channel, it would be obvious to one of ordinary skill in the art to form a deep embossed channel by

Art Unit: 3761

simultaneously bonding core 42 to topsheet 38, the apertures in topsheet 38 together with the bonds define deep embossing points, as said channel and said embossing points provide a flow guiding means for exudate.

With respect to **Claims 8,10,11,13,16**: Please see the rejections of claims 1 and 6 as these rejections collectively address all of the limitations of Claims 8,10,11, 13 and 16.

Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rajala (U.S. Patent No. 6,165,306).

With respect to **Claims 18,20**: Rajala teaches a multicomponent process for producing an absorbent article comprising at least the unit operations of die cutting, sealing web material to a third material component, registering and embossing. (Col. 5, lines 6-10, 20-27, 36-40, 52-55, Col. 6, lines 22-28). Rajala teaches a web of first material 212 that constitutes the backsheet material (Col. 5, lines 6,7, Col. 18, line 57), absorbent component 908 that overlies web 212 and is disposed under transfer delay component 214 (Col. 18, lines 57-60), and third material 222 that constitutes the topsheet material for plural sanitary napkins 900. (Col. 16, lines 56-58, Col. 17, lines 62-65) Rajala teaches optional embossing apparatus 600, interpreted herein as being thus easily removable, comprised of embossing rollers 602 (patterned) and 604 (anvil) through which mated first and second components 224 are fed to produce embossed workpiece 254. (Col. 6, lines 22-28). Rajala does not expressly teach steps "e" and "f", however Rajala does teach the attachment of web of topsheet material 222 to web material 224 prior to embossing. Rajala teaches that absorbent core material 908 is added via an optional unit operation upstream of the embossing roll and before mated backsheet material 224 is bonded with

Art Unit: 3761

topsheet material 222, therefore said absorbent material 908 is disposed between topsheet web 222 and backsheet mated material 224, though the embossing of topsheet 222 occurs after the absorbent core is disposed and the topsheet material 222 and backsheet material 224 are sealed together. As optional, the unit operation positions in the manufacturing line, specifically the embossing apparatus, are movable and thus it would be obvious to one of ordinary skill in the art to deform the topsheet/absorbent core web prior to joining to a backsheet web. Disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or nonpreferred embodiments. See *In re Susi*, 440 F.2d 442, 169 USPQ 423 (CCPA 1971). ". A reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989). See also *Celeritas Technologies Ltd. v. Rockwell International Corp.*, 150 F.3d 1354, 1361, 47 USPQ2d 1516, 1522-23 (Fed. Cir. 1998)

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rajala ('306) in view of Anderson et al (U.S. Patent No. 4,100,324).

With respect to **Claim 19**: Rajala does not teach a unit operation that creates melt weakened points on web material 222. Anderson teaches a method for producing a nonwoven material without the use of adhesives or embossing via mechanical entanglement for the purposes of adhering layers of web material permanently. Anderson teaches nozzles 12 and 13 mounted on a die head 11 that spray heated gas streams 10 and 14 that are subsequently integrated into stream 15 which is applied directly to a web material prior to entering vacuum rollers 30 and 31 rotating over vacuum nozzles 32 and 33, combining the steps of compression and melting of the

Art Unit: 3761

nonwoven fibers so as to cause mechanical entanglement. (Col. 4, lines 18-22, 24-26, Col. 6, lines 29-42) Since Anderson teaches that this method allows for secure attachment of layers of web material without the use of adhesives (Col. 5, lines 30-35), it would be obvious to someone of ordinary skill in the art to modify the vacuum side commutator system taught by Rajala to accommodate streams of heated gas as well as suction air flow, thereby providing means for creating melt-weakened locations on web material 222 prior to embossing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISOR PRIMARY EXAMINER

